

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORKERS AGAINST CONGESTION
PRICING TAX, DANNY BUZZETTA, DR. GREGOR
WINKEL, LEE BERMAN, MEREDITH LeVANDE,
RITA SUE SIEGEL, TOMMY LOEB, KATHRYN FREED,
TREVER HOLLAND, RICKY YANG, PAUL ENG,
BARUCH WEISS, ROBERT FRIEDRICH, KEVIN
FORRESTAL, WARREN SCHREIBER, CHRISTOPHER
RYAN, BEN MASON, DENNIS ROSARIO, RABBI Y.S.
GINZBERG, JACOB ENGLANDER, AARON GONZALEZ,
HOWARD CHIN, ELAINE LA PENNA, THOMAS
ANTHONY SCARPACI, COUNCILMEMBER KRISTY
MARMORATO, COUNCILMEMBER VICKIE PALADINO,
COUNCILMEMBER JOANN ARIOLA, COUNCILMEMBER
SUSAN ZHUANG, COUNCILMEMBER KALMAN
YEGER, COUNCILMEMBER INNA VERNIKOV,
COUNCILMEMBER, ROBERT F. HOLDEN, RICHARD
PASSARELLI, STEVEN TRAUBE, FRANCISCO
GONZALEZ, JOSE COLLADO, VITO LaBELLA, AIXA
TORRES, JULIE VELEZ, DAPHNE BRUCCULERI,
DR. ALAN L. MINTZ, D.D.S., ASSEMBLYMEMBER
SIMCHA EICHENSTEIN, THOMAS ZABIELSKIS,
NINA JODY, MICHAEL KEKAFOS, NORMAN SPIZZ,
MICHAEL GROSS, EFRAIM REISS and ASSEMBLYMEMBER
MICHAEL NOVAKHOV, individually and on behalf
of all others similarly situated,

Case No.1:24-cv-367(LJL)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATION, SHAILEN BHATT,
in his official capacity as Administrator of the
Federal Highway Administration, RICHARD J. MARQUIS,
in his official capacity as Division Administrator of the
New York Division of the Federal Highway Administration,
METROPOLITAN TRANSPORTATION AUTHORITY,
TRIBOROUGH BRIDGE AND TUNNEL
AUTHORITY, NEW YORK STATE DEPARTMENT OF
TRANSPORTATION, NEW YORK CITY DEPARTMENT
OF TRANSPORTATION and TRAFFIC MOBILITY
REVIEW BOARD,

Defendants.

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ELIZABETH CHAN, et al.,

Case No. 1:23-cv-10365 (LJL)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, et al.,

Defendants.

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MICHAEL MULGREW, et al.,

Case No. 1:24-cv-01644 (LJL)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, et al.,

Defendants.

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TRUCKING ASSOCIATION OF NEW YORK,

Case No. 1:24-cv-04111 (LJL)

Plaintiff,

v.

METROPOLITAN TRANSPORTATION
AUTHORITY, et al.,

Defendants.

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Motion for Preliminary Injunction

Plaintiffs New Yorkers Against Congestion Pricing Tax, et al. (“New Yorkers”) moves for a preliminary injunction as set out below and for the reasons set out in the accompanying Memorandum and Amended Verified Complaint for Declaratory and Injunctive Relief. Fed. R. Civ. P. 65(a).

As discussed more fully in the Memorandum and Amended Complaint, *New Yorkers* challenge the implementation of the Congestion Pricing toll schedule for the Central Business

District by virtue of the failure of the Metropolitan Transportation Authority (“MTA”)/Triborough Bridge and Tunnel Authority (“TBTA”) to follow the statutory provisions of the State Administrative Procedure Act (“SAPA”) in refusing to assess the socioeconomic impacts of Congestion Pricing upon the small businesses of New York City and the financial burdens and resulting job losses that will be faced by struggling working-class citizens.

New Yorkers submit that it meets the standards for a preliminary injunction, i.e., it has probable success on the merits, it will be irreparably harmed, others will not be substantially harmed, the public interest will be served, and there is no adequate remedy at law.

Because a preliminary injunction presents no monetary risks to the MTA/TBTA, *New Yorkers* request that bond be set at \$1. Fed. R. Civ. P. 65(c).

For the reasons stated in the accompanying Memorandum and Amended Complaint, *New Yorkers* respectfully request that the Court grant this motion and preliminarily enjoin the MTA/TBTA from commencing the Congestion Pricing Program without first following the dictates of SAPA. Pursuant to Stipulation and Court Order, the parties are scheduled to be heard on December 20, 2024 at 2:00 p.m.

Dated: December 2, 2024
East Hampton, NY

Respectfully submitted,



Jack L. Lester, Esq.
Attorney for New Yorkers, et.al.
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